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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Case 23-cv-426-SM

AMRO FARID,

Plaintiff,

v.

Trustees of Dartmouth College,

Defendant.

REMOTE DEPOSITION
OF
DEAN MADDEN

Monday, March 10, 2025
10:13 a.m. - 3:17 p.m.

Taken Via Zoom Videoconferencing

Reported By:
Lauren R. Tozzi, RPR

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P R O C E E D I N G S

Deposition taken before Lauren R. Tozzi, RPR,
Stenographic Reporter and Notary Public in and for
the Commonwealth of Massachusetts at Large, in the
above cause.

S T I P U L A T I O N S

It is hereby stipulated by and between counsel
for the respective parties that all objections
except objections as to the form of the question and
motions to strike, shall be reserved until the time
of trial. It is further stipulated that the witness
shall read and sign the deposition within (30) days
of receipt of the transcript.

- - -

MR. SULMAN: Are we going to agree to what we
agreed to last time? Well, I'll just say: Are we
going to agree to the stipulations that we agreed
to last time, which is that we'll waive the notary,
the witness will have 30 days to read and sign but,
as you said, the errata sheet will be presumed to
be notarized?

MR. CHABOT: The witness will have 30 days to
correct the transcript.

MR. SULMAN: Yep.

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1 MR. CHABOT: Signature is waived. The witness
2 can have longer if we agree by mutual written
3 agreement.

4 MR. SULMAN: Yep.

5 MR. CHABOT: And neither party is going to
6 object to the use of the transcript on the basis
7 that the court reporter is not sitting in the same
8 room.

9 MR. SULMAN: That's right.

10 MR. CHABOT: All objections except as to
11 privilege and the form of the question are reserved
12 until the time of trial.

13 MR. SULMAN: That's right.

14 Okay. Now we can swear the witness in.

15 THE COURT REPORTER: Please raise your right
16 hand.

17 (Oath administered.)

18 THE WITNESS: I do.

19 Thereupon,

20 (DEAN MADDEN)

21 having been first duly sworn or affirmed, was examined
22 and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. SULMAN:

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1 Q Good morning, sir. Can you please state your
2 name for the record?

3 A Yes, it's Dean Madden.

4 Q And that's M-A-D-D-E-N?

5 A That is correct.

6 Q Okay. And where are you located right now?

7 A I am in my office in the Parkhurst
8 Administrative Building at Dartmouth College.

9 Q Great. Have you ever had your deposition
10 taken before?

11 A I have not.

12 Q Okay. Well, let me just go over a couple of
13 ground rules to make it a little easier. As you know, I
14 represent Amro Farid in a lawsuit against Dartmouth
15 College. You are here as a witness, you know, partially
16 named as defendant. You are here to answer some
17 questions about information you may or may not know. So
18 it's important that you answer all the questions
19 truthfully to the best of your ability.

20 Is there anything today, other than typical
21 memory issues, medical issues, medication or anything at
22 all, other than medical -- other than memory issues,
23 that may make it difficult to answer questions?

24 MR. CHABOT: I'm just going to object to the

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1 Exhibit 2 to your deposition in the chat function?

2 A Okay. I have it.

3 (Exhibit Number 2 was electronically marked
4 for identification.)

5 BY MR. SULMAN:

6 Q This is Dartmouth College's Research
7 Misconduct Policy and Procedures approved on June 10th,
8 2005; correct?

9 A I would have to -- it appears to be.

10 Q Okay. And was this the policy that was in
11 effect through at least last year at some point?

12 A Yes, if this is the original one that was in
13 effect in 2005, that was the one that was relevant at
14 the time.

15 Q Okay.

16 A Or until the most recent revisions, which were
17 about a year ago.

18 Q Okay. Why was this updated last year?

19 A Well, there were a couple of issues that we
20 had discovered. One was that it had unnecessary
21 references to the gender of certain roles, you know,
22 antiquated language from the period when it was defined
23 using: "He," or "Is," or "Her," or "She," or "Hers,"
24 and we have been trying to remove those kinds of

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1 for identification.)

2 THE WITNESS: Okay. I have it.

3 BY MR. SULMAN:

4 Q Now, Exhibit 2 is a document entitled,
5 Authorship Guidelines; correct?

6 A Sorry, Exhibit 2?

7 Q Sorry, Exhibit 3. Sorry, Exhibit 3? Sorry.

8 A Yes, yep. Sorry. Yes, it is entitled the
9 Authorship Guidelines.

10 Q And is this the authorship guidelines or
11 policy of Dartmouth College?

12 A It appears to be, yes.

13 Q Okay. So a couple of minutes ago, I was
14 asking you about how the provost office reviews or
15 addresses an allegation of possible misconduct involving
16 research of a professor; do you recall that?

17 A Yes.

18 Q And I referred to an authorship policy and
19 research misconduct policy; correct?

20 A Yes.

21 Q Are those policies, what are Exhibit 2 and
22 Exhibit 3, in your deposition?

23 A Again, without studying them closely, they
24 appear to be, yes.

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1 Q Okay. At least as of the time of the Amro
2 Farid investigation; correct?

3 MR. CHABOT: Object to the form.

4 A Yes.

5 BY MR. SULMAN:

6 Q And part of the provost role in this is to, is
7 determining which of these policies apply when somebody
8 makes an allegation concerning research involving a
9 professor; correct?

10 A As -- yes, which or both.

11 Q Both?

12 A Right.

13 Q Since you became vice provost of research, on
14 how many occasions have you been involved in addressing
15 an allegation concerning a possible inappropriate
16 conduct involving a professor's research?

17 MR. CHABOT: I'm going to objection to the
18 form. You can answer.

19 A It's hard for me to give an exact count, but I
20 would say probably around a dozen cases.

21 BY MR. SULMAN:

22 Q And when you say, "Around a dozen," do you
23 mean a dozen cases where the provost has delegated to
24 you that same responsibility?

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1 also undergone training which, again, I would suggest
2 you ask her about in more detail but, you know, as our
3 director of research integrity, she has an essential
4 role and, you know, provides advice to me and to others
5 in the office as we are developing our response to these
6 issues when they arise.

7 Q Was the authorship guidelines already in place
8 when you became vice provost?

9 MR. CHABOT: Objection to the form. Go ahead.

10 A Yes, they were.

11 BY MR. SULMAN:

12 Q Was it already in its current form?

13 A I believe there are -- yes, I believe that's
14 the case. Again, without detailed analysis of the text,
15 yeah.

16 Q Did you receive any training on how to
17 determine -- strike that.

18 Did you receive any training on how to
19 distinguish between an authorship dispute and an
20 allegation of research misconduct?

21 MR. CHABOT: I'm going to object to the form.
22 You can answer.

23 A So as part of the same process that I was
24 describing before, Professor Wybourne and I worked on,

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1 you know, talked about the interplay between these
2 policies. And I would say that, on my own, I have also
3 spent some time looking into the boundaries and overlap
4 between these policies.

5 BY MR. SULMAN:

6 Q Did you do that before Mr. Farid, the
7 allegation against Professor Farid?

8 A Yes.

9 Q And what independent research, and I don't
10 mean that in a -- any broad term. I just mean that
11 loosely. What independent research did you do?

12 MR. CHABOT: Object to the form.

13 A So this issue of authorship and plagiarism is
14 a complex issue, and there are a number of resources
15 that are available online, including descriptions from
16 the Office of Research Integrity, and the Department of
17 Health and Human Services, and guidance from the NSF and
18 other offices. In addition, the professional societies
19 have, you know, various statements of publication ethics
20 and guidelines and, you know, those, we have consulted
21 those as well.

22 BY MR. SULMAN:

23 Q Did you consult those for other specific cases
24 involving professors or just for your general knowledge?

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1 preliminary inquiry phase or preliminary assessment
2 phase. I'm sorry.

3 BY MR. SULMAN:

4 Q Did Professor Welch's case proceed past the
5 preliminary inquiry phase?

6 A Yes.

7 Q When did you first learn about any allegations
8 by a student brought against Amro Farid?

9 A So I first heard about this through an, I
10 believe it was actually an email exchange, initially,
11 with the dean of the Thayer School and the provost.

12 Q Who was the provost at the time?

13 A I have to admit, I'm a little blurry on the
14 timeline. It could have been Joe Helble or it could
15 have been Dave Kotz.

16 Q And what did you learn?

17 A Well, I understood --

18 Q Sorry, strike that.

19 A Yeah.

20 Q Do you recall, as best you can, when you
21 learned it?

22 A I want to say that it was in early 2021. Or,
23 no, early 2022. Sorry.

24 Q Early in the year?

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1 A Early in the year.

2 Q I'll represent to you, based on the emails,
3 the year was 2022?

4 A 2022, yes.

5 Q But your recollection is early in the year?

6 A Yes. Quite early, probably January or
7 February of that year.

8 Q What did you learn?

9 A Well, the initial, the initial understanding
10 was that there was a disagreement about the authorship
11 of a manuscript that had been raised, and that the
12 student, Mr. Hegde, had objected to his removal or his
13 noninclusion on a manuscript.

14 Q And you first learned this, you believe, in an
15 email?

16 A Yes.

17 Q And was there any action item to follow up on
18 your part after this?

19 MR. CHABOT: Object to the form. You can
20 answer.

21 A So, typically, the step there is to, as I
22 said, interrogate the individual policies. So I did
23 have a conversation with Mr. Hegde, to get a better
24 sense of the nature of the complaint that he was making

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1 or the allegations. He -- and, in fact, we suggested to
2 him that he reach out and attempt to resolve this issue
3 through direct discussions with Dr. Farid. And I was
4 not a part of those further discussions, but that is
5 actually under the authorship guideline, the standard
6 operating procedure that is used to attempt to resolve
7 disagreements about authorship.

8 In parallel, the allegations appeared that
9 they could meet the test of plagiarism, and for that
10 reason, we explored a preliminary assessment under the
11 research misconduct policy.

12 BY MR. SULMAN:

13 Q When you say, "We," who is we?

14 A Well, so the preliminary assessment is done by
15 the provost or their designee, and the dean of the
16 school that is for the dean of the school that is
17 effected. So in this case, that was Alexis Abramson as
18 the dean of Thayer, and me, as the designee of the
19 provost.

20 Q And did you review the research misconduct
21 policy, yourself, or did you review it in conjunction
22 with Dean Abramson?

23 A When you say did we review it, ourselves, I --

24 Q I guess, explain to me the process of

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1 reviewing --

2 A Yeah.

3 Q -- the research misconduct policy?

4 A So, in reviewing, doing the preliminary
5 assessment.

6 Q You said that in this case, you also -- in
7 this case, the research misconduct policy was also
8 reviewed. Explain to me the process and who reviewed
9 the research misconduct policy in this case?

10 MR. CHABOT: Objection to the form.

11 A Yeah, I'm not trying to be difficult. I just
12 want to make sure I'm understanding. So we don't -- we
13 don't review the policy in the sense of trying to change
14 the policy or --

15 BY MR. SULMAN:

16 Q No, I'm sorry. You said --

17 MR. CHABOT: Are you going to let him finish,
18 Joe?

19 MR. SULMAN: I thought he was finished.
20 Sorry.

21 A No, it would be helpful. I'm done. Yeah,
22 sorry.

23 BY MR. SULMAN:

24 Q I didn't mean review the policy, in terms of

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1 changing. You used the word, "Interrogate the policy."
2 So in that sense --

3 A Yeah.

4 Q -- whether it's interrogate the policy or
5 whatever you do, who -- and what was the process in
6 looking at the policy to determine whether it applied to
7 the allegation brought by Mr. Hegde?

8 A Got it. Yeah, so I actually did prepare a
9 summary of the cases or the allegations, as I understood
10 them, and forwarded that to Dean Abramson, and asked for
11 her concurrence or disagreement with the recommendation
12 that this did fall within the gamut of the research
13 misconduct policy, and that the allegations were
14 sufficiently specific and credible to permit an inquiry
15 to take place.

16 Q Okay. I just want to make sure I understand
17 that. You said you sent a summary of allegations and
18 then a recommendation to Dean Abramson?

19 A This is the way we usually do this, is that
20 I'll, I know, because it's a joint discussion, but
21 someone has to take the lead and that's typically me,
22 given the responsibilities of the office or, Henrike
23 Frowein, if she has been the designated designee. So in
24 this case I prepared a summary and kind of outlined the

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1 ways in which I believe this met the requirements of the
2 preliminary assessment.

3 Q Dean Madden, I have just sent you Exhibit 4 in
4 your deposition. Let me know when you have it open?

5 A Okay. Yeah.

6 (Exhibit Number 4 was electronically marked
7 for identification.)

8 BY MR. SULMAN:

9 Q This is an email from Alexis Abramson to you
10 and David Kotz?

11 A Yeah.

12 Q February 2nd, 2022. Subject line is,
13 "Forward: Research misconduct complaint." Take a
14 moment to read it and let me know, is this how you
15 believe that you first learned about the allegation from
16 Prabhat Hegde?

17 A Yes. Yeah, this is -- I think this looks like
18 the first, like it would have been the first email I
19 would have received about this.

20 Q And forwarded the email from Mr. Hegde to
21 Alexis Abramson on January 18th, 2022; correct?

22 A Yes.

23 Q And this confirms that David Kotz was the
24 provost at that time; correct?

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1 A Yes, that's correct.

2 Q Okay. When you reviewed the research
3 misconduct policy in January, February of 2022, you also
4 reviewed Mr. Hegde's January 18, 2022 email to
5 Ms. Abramson; correct?

6 A Yes.

7 Q That was his complaint; correct?

8 A Well, that was part of his complaint.

9 Q Well, what was also his -- what was the rest
10 of his complaint?

11 A Well, I guess there were, you know, it was
12 extended during the conversation that I had with him and
13 he provided some additional detail about the -- his
14 perspective on the disagreement.

15 Q Okay. In his email, he writes in the second
16 paragraph that he notices that there was a publication
17 that was published as a single-author paper without any
18 attribution or acknowledgment to him, that he had
19 significantly contributed on; correct?

20 A Yes.

21 Q Okay. And he asked for his name to be
22 included on that as an authorship; correct?

23 A Yes, he did.

24 Q But he didn't mention plagiarism in his email;

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1 question. My question was: By this email, are you
2 telling him that you are adding his allegation about the
3 tensor-based paper to the inquiry on Professor Farid's
4 other paper?

5 MR. CHABOT: Object to the form, but you can
6 answer.

7 A Yes. I mean, yes.

8 BY MR. SULMAN:

9 Q Okay. And this was sent on April 2nd. By
10 that date, you had Ms. Abramson's email that was part of
11 Exhibit 7; correct? If you want to open up Exhibit 7,
12 you can.

13 A Yes.

14 Q Okay. And so you had seen where Mr. Hegde
15 says he concedes that the bulk of the work on the
16 tensor-based formulation paper was done by Professor
17 Farid and the students involved primarily focused on
18 verifying the mathematics in the paper; correct?

19 A Yes.

20 Q Based on that concession, you still believed
21 his allegation rose to the level of possible research
22 misconduct?

23 A Yeah, actually, it's a really important point.
24 It's actually not my decision or any of the provosts'

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1 decision in this process to, beyond the preliminary
2 assessment, make a decision as to whether or not a piece
3 of evidence is relevant. That is really the purview of
4 the panel and in the case of the inquiry and the
5 committee in the case of an investigation. So our
6 standard procedure is to, would not be to filter out
7 potentially-relevant issues based on our assessment of
8 whether or not they rise to the level of significance.

9 I'll add one thing which is, if we received an
10 allegation of some other form of professional misconduct
11 that was not relevant to the research misconduct
12 process, that we would not forward. You know, like
13 human subjects compliance issue, as an example.

14 But if something potentially falls into this
15 space, once we are past the preliminary assessment
16 phase, institutional leadership is not supposed to be --
17 it's supposed to be very differential to the
18 decision-making of the inquiry panel and the
19 investigation committee. I hope that's helpful.

20 Q How does -- how does refusing to acknowledge
21 students who verify mathematics in the paper fall under
22 the definition of research misconduct?

23 MR. CHABOT: Objection to the form.

24 A Yeah. And this is a decision that would be

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1 made by the inquiry panel as to whether or not the
2 magnitude of that contribution in that field would
3 typically rise to the level that would receive either
4 authorship, or acknowledgment, or some other form of
5 credit.

6 BY MR. SULMAN:

7 Q Sure. Before it gets to the inquiry phase,
8 there's a preliminary assessment phase; is that correct?

9 A Correct.

10 Q And at that phase, you determine whether
11 inquiry is warranted; correct?

12 A That's right.

13 Q And part of that is determining whether the
14 allegation falls within the definition of research
15 misconduct; correct?

16 A That's correct.

17 Q Okay. So did you make any determination as to
18 whether or not the allegations brought by Mr. Hegde and
19 that Dean Abramson relayed in Exhibit 7, fell under the
20 definition of research misconduct?

21 A Potentially, yes.

22 Q And how did those potentially fall under the
23 definition of research misconduct?

24 A Well, there was work that was performed,

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1 whether that would fall, I think in the definition of
2 plagiarism under the item results, and that we need to
3 have the inquiry panel assess whether or not, and then
4 ultimately an investigation committee, assess whether or
5 not it rises to the level that, you know, meets the test
6 of plagiarism and then, separately, research misconduct.

7 Q So the students verifying Professor Farid's
8 work is, you consider that the students' work?

9 MR. CHABOT: Object to the form.

10 A Well, research that's collaborative, that
11 involves someone doing work as part of the process,
12 whether it's verification or experiments at someone
13 else's direction, can in some circumstances, be
14 appropriately acknowledged by a credit on a manuscript.

15 BY MR. SULMAN:

16 Q Who did you select -- strike that.

17 Who did the provost office select for the
18 inquiry panel?

19 A So we selected a panel of three faculty
20 members and I believe you have their names. Sekhar
21 Ramanathan was the chair of the panel.

22 Q And who are the other two?

23 A I have to ask you to share the document with
24 me or refer to my notes for that.

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1 MR. SULMAN: I just sent you Exhibit 9.

2 (Exhibit Number 9 was electronically marked
3 for identification.)

4 THE WITNESS: Okay.

5 BY MR. SULMAN:

6 Q Is this an email where they are telling
7 Director Farid, announcing to him that the research
8 misconduct policy -- strike that.

9 Is this an email telling Professor Farid that
10 the initial inquiry was opened?

11 MR. CHABOT: Object to the form.

12 A Just reviewing the email, please. This is not
13 from me. Yes.

14 BY MR. SULMAN:

15 Q And, in general, was Director Frowein the main
16 point of contact with Professor Farid or were you?

17 A It was Ms. Frowein.

18 Q Is that just standard practice or was there a
19 reason for that?

20 A No, it's standard practice.

21 Q I have sent you Exhibit 10 through the chat
22 box. Let me know when you have it open?

23 A Okay. I have it open.

24 (Exhibit Number 10 was electronically marked

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1 for identification.)

2 BY MR. SULMAN:

3 Q Okay. This is an email from Director Frowein
4 to Francis Magilligan, Peter Mucha?

5 A Mucha, yep.

6 Q And Professor Ramanathan?

7 A Ramanathan, yes.

8 Q Ramanathan. Excuse me.

9 A No, it's fine.

10 Q Were those the members of the panel?

11 A Yes, they were.

12 Q Can you tell me why you chose those three
13 individuals to be on the panel?

14 THE WITNESS: Yeah. So --

15 MR. CHABOT: Object to the form. You can go.

16 A Yeah. So, I mean, according to our standard
17 criteria, we are looking for individuals who are, you
18 know, either have some familiarity with the area, the
19 discipline at issue, broadly defined, don't have other
20 conflicts of interest with the -- with either the
21 complainant or respondent as outlined in the research
22 misconduct policies and procedures.

23 BY MR. SULMAN:

24 Q Was there anybody other than these three that

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1 Q Did you draft it?

2 A I did not.

3 Q Okay. Did you edit it?

4 A I may have seen it. I don't recall.

5 Q Well, regardless of whether you have seen it
6 or not, do you know if you made or suggested any changes
7 to it?

8 MR. CHABOT: Object to the form.

9 A I really don't.

10 BY MR. SULMAN:

11 Q I sent you Exhibit 13. This is a similar
12 document. It appears to be a similar document to
13 Exhibit 12, a draft inquiry report dated July 25th,
14 2022, from the same authors to yourself and Provost
15 Kotz.

16 Do you know any changes that were made between
17 the draft on July 22nd and the draft of July 25th,
18 without looking at it?

19 A I would have to review them briefly.

20 (Exhibit Number 13 was electronically marked
21 for identification.)

22 BY MR. SULMAN:

23 Q I mean, I'm wondering if, based on your
24 memory, you recall any?

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1 A I do not.

2 Q Okay. Stepping back for a moment, can you
3 tell me what is the process of drafting an inquiry
4 report during an investigation under the research
5 misconduct policy?

6 MR. CHABOT: Object to the form.

7 A Yeah. So it can take a number of forms. In
8 general, I mean, I think the bedrock principle here is
9 that the decision on the content of the report is the --
10 is the purview of the faculty members on the panel or in
11 the case of the investigation, the committee. And they
12 may, in some cases, draft the report themselves. They
13 may also ask me, in some cases, or Director Frowein or
14 another designee, in theory, of the provost, to provide
15 an initial draft based on the conversation with them and
16 then they would have the final editing authority and
17 decision-making rights about that, about the draft,
18 which, you know, basically, they would finalize as their
19 report.

20 BY MR. SULMAN:

21 Q And is there a general practice in terms of
22 who does the initial draft?

23 A I mean, I think it is most typically done by
24 Director Frowein if she's been involved in the case all

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1 email, did you know at any point during this
2 investigation process, that Professor Farid made an
3 allegation that the investigation was in some way
4 retaliatory?

5 A I don't have any firsthand knowledge of him
6 making an assertion that this specific process was
7 retaliatory.

8 Q As of the time that the inquiry report was
9 issued, did you know that Professor Farid had a lawsuit
10 underway concerning his -- his tenure denial?

11 A So, I -- yes. I mean, he had referred to that
12 lawsuit in his response to the inquiry panel draft.

13 Q Prior to receiving the inquiry panel response
14 from Professor Farid, were you aware that he had some
15 sort of litigation regarding his tenure denial?

16 A I was aware that there was a conflict about
17 this. I'm not sure when I first -- if this was when I
18 first learned there was an actual lawsuit pending. I
19 wasn't involved in the lawsuit.

20 Q Okay. But fair to say that before receiving
21 Professor Farid's response to the inquiry report, you
22 were aware there was a conflict related to his tenure,
23 you are just not sure if you aware that it had risen to
24 the level of litigation?

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1 MR. CHABOT: Object to the form.

2 A That's correct. Actually, I guess I should
3 say, I knew there was a conflict around his, some aspect
4 of his appointment but, you know, whether it was his
5 tenure or something else, even that was not -- was not
6 clear to me. And I would say that, in general, we
7 had -- we had discussed early in the process the fact
8 that I would stay out of discussions relating to any
9 other processes that might be -- might not be relevant
10 to the research and misconduct process, in order to try
11 to minimize the possibility of any sort of interaction
12 between these two processes.

13 Q What --

14 A Which is our standard practice.

15 Q Okay.

16 A Sorry.

17 Q And who did you have those discussions with?

18 A So that was with Dave Kotz, actually, early in
19 the process, that he had said that there was some issue
20 and we did not go into it further, about a dispute, and
21 we just agreed that we would keep this as separate as we
22 possibly could.

23 Q And can you tell me everything you recall
24 about that discussion with David Kotz; what did he tell

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1 provide it.

2 THE WITNESS: So I guess I need to ask for
3 some guidance, because it is possible that we were
4 consulting with the Office of General Counsel, but
5 I do not recall specifically the details of what we
6 consulted on and what we did not.

7 MR. CHABOT: Okay, that's fine. It sounds
8 like you can answer to the extent you have a
9 memory.

10 A Okay. So I think the key point here is that
11 the process we designed and operationalized was, by its
12 nature, constructed in a way that could not, really
13 could not be retaliatory.

14 BY MR. SULMAN:

15 Q Why do you say that?

16 A Well, we have a legal obligation, in addition
17 to a moral obligation, to pursue allegations of research
18 misconduct according to our policy. It's not optional
19 for us and, therefore, it can't be -- if one is
20 compelled to do something, legally, it isn't a decision
21 that one could make which would get a concept of a
22 retaliatory decision.

23 Q And you felt, correct me if I'm wrong, but by
24 your testimony, you felt that your assessment of

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1 Mr. Hegde's allegations compelled you to open this
2 investigation?

3 A That's correct, yes.

4 Q There was no other choice?

5 A I really don't think there was.

6 Q And is that your answer in regards to his
7 subsequent allegation concerning the tensor-based
8 formulation paper?

9 MR. CHABOT: Object to the form.

10 A Well, we would have to -- we would need to
11 bring that into the investigation committee stage for
12 sure, because of the mandate that we need to pursue all
13 leads.

14 BY MR. SULMAN:

15 Q But doesn't the lead also need to fall under
16 the research misconduct policy?

17 A Once one proceeds to an investigation, if it
18 comes to that, the investigation committee is charged to
19 be aware of anything that may fall under the definition
20 of the research misconduct policy. So we are aware of
21 any related research misconduct-specific allegations.
22 We need to make sure they are aware of those as well and
23 investigating them fully, and anything else that may be,
24 that in the literature, published literature, that may

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1 indicate that there's a pattern of behavior that goes
2 beyond the particular instances.

3 Q This allegation regarding the tensor-based
4 formulation was brought forward by Mr. Hegde during the
5 inquiry phase?

6 A That's correct.

7 Q So you are talking about, you would have
8 brought it forward to the inquiry panel; correct?

9 A Well, we would bring it forward to the inquiry
10 panel if that was necessary for them to reach their
11 decision, and then it certainly would need to have been
12 reviewed by the investigation committee if a decision
13 was made to then move ahead with an investigation.

14 Q Well, the allegation was brought forward by
15 Mr. Hegde at the time of the inquiry?

16 A That's correct.

17 Q So was that allegation brought forward to the
18 inquiry panel?

19 A I believe it was shared with them, yes.
20 Again, you know, I think it's really important to
21 understand that we have an obligation to investigate or
22 to do at least a preliminary assessment and then make
23 sure that any allegations of research misconduct are
24 dealt with. So if a new allegation that could fall

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1 within research misconduct appears to us in relationship
2 to an ongoing case, we really have one of two choices,
3 which is to start a de novo process, with a preliminary
4 assessment from scratch and start a separate inquiry
5 panel; or, and this is what we more typically do, is to
6 merge the subsequent allegation into the ongoing process
7 to make sure that -- and in reality there are two
8 reasons for it. One is we don't want multiple
9 investigation committees each having to try to pursue
10 overlapping sets of, you know, data. And we also want
11 to make -- honestly, to keep the process as streamlined
12 as possible for all participants, consistent with the
13 regulations.

14 Q When was Professor Farid informed that the
15 tensor-based formulation allegation was sent to the
16 inquiry panel?

17 A I am not certain of that. That would be
18 something that would have been managed by Director
19 Frowein.

20 Q You oversaw the investigation; right?

21 A That's correct.

22 Q You oversaw it with professor Frowein;
23 correct?

24 MR. CHABOT: Object to the form.

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1 not happened yet?

2 MR. CHABOT: Object to the form.

3 A Okay. So let me be specific here. So the
4 respondent is informed when the decision has been
5 finalized if the provost accepts or designee accepts the
6 report of the inquiry panel. That is the point of at
7 which the respondent is informed that the process is
8 moving to the next -- well, I need to walk back even a
9 little further. If the inquiry has recommended that an
10 investigation proceed and the provost has, you know, or
11 designee has accepted it, that's the point at which the
12 respondent would be notified that the decision on the
13 inquiry is final, and that an investigation is going to
14 be opened.

15 BY MR. SULMAN:

16 Q And that can take place before the committee
17 members are identified?

18 A Well, before the committee members are, you
19 know, kind of officially appointed into a role on the
20 committee, yes.

21 Q And you predicted my next question. The final
22 decision as to whether or not to move from the step of
23 inquiry to an investigation, that is the provost or the
24 designee who makes that decision; correct?

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1 A Yes, that's -- well, they make the decision
2 whether or not -- okay. Let me be clear. They make the
3 decision whether or not to accept the report of the
4 inquiry panel. So they don't -- they don't actually
5 have -- it's a subtle point in the research misconduct
6 policy, but the provost can either accept the report or
7 can request a revision, but it's actually, they can't
8 simply decide to set the whole process aside.

9 Q Understood. There's a panel that's appointed
10 that makes a decision, but it's ultimately a
11 recommendation to the provost?

12 A That's correct, but the provost can either
13 accept it or request that the panel revisit. Like,
14 there isn't the option to simply say: Yep, thank you.
15 We are not moving ahead.

16 MR. SULMAN: Okay. I have delivered Exhibit
17 17 to you. Let me know when you have it open.

18 (Exhibit Number 17 was electronically marked
19 for identification.)

20 THE WITNESS: Okay. I have it open.

21 BY MR. SULMAN:

22 Q I'm referring to your email to Director
23 Frowein and Alexis Abramson at the bottom of the first
24 page on January 10th at 5:23 p.m.

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1 it's very important for us as an institution to make
2 sure that we are not transferring grants as a sort of
3 transfer of responsibility for an ongoing process, and
4 so we need to generally be careful around kind of
5 transitions when people are switching employment while
6 an investigation is ongoing.

7 So that's a general context. What the
8 specific question is that Dr. Frowein wanted to look
9 into, I'm not aware of what her specific question was.
10 I'd have to refer you to her for that but, in general,
11 it is a time when we do need to be mindful of our
12 continuing obligations to continue, for example, a
13 research misconduct process or another process, even if
14 someone has left and even if a grant is transferring.

15 BY MR. SULMAN:

16 Q Are you aware that Dr. Farid specifically
17 requested his funding from CRREL to be transferred to
18 the Steven's Institute?

19 MR. CHABOT: Object to the form.

20 A Okay. I did hear about that, about that
21 request.

22 BY MR. SULMAN:

23 Q Okay. Were you involved in reviewing that
24 request?

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1 A Yes, I participated in discussions around
2 that.

3 Q Okay. And were you involved in the decision
4 to deny that request?

5 A Yes.

6 Q Okay. And why was that request denied?

7 A So, as I said at the beginning, there are
8 fairly-well established principals for transferring
9 investigator-initiated grants. So these are grants in
10 which a professor or other eligible principal
11 investigators submits an application on behalf of
12 Dartmouth, their idea directly to a funding agency to an
13 open call and then, you know, receives an award after
14 peer review and administrative approval by the funding
15 agency. In general, those grants will transfer. With
16 the faculty member, there's pretty well-established
17 process between universities when someone changes
18 employment. That process does not apply to grants that
19 are awarded directly to the institution for specific
20 institutional or other purpose in which a faculty member
21 then may be a participant. And in our opinion, that was
22 the case with this grant that came in in conjunction
23 with CRREL. So the funding to CRREL had been requested
24 and supported by Dartmouth, in part to bring research

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1 activity to New Hampshire, both to UNH and Dartmouth in
2 collaborations with CRREL. That purpose of the grant
3 would not be fulfilled if it was -- if the funding was
4 then transferred to a completely different institution.

5 Q You don't deny that Professor Farid was a
6 principal investigator under that grant; correct?

7 MR. CHABOT: Object to the form.

8 A So he was a -- he was the PI on a pilot
9 project that was funded by that grant, but he was not
10 the PI of the overarching appropriation.

11 BY MR. SULMAN:

12 Q No, but he was not requesting the overall
13 appropriation to be transferred. He was requesting his
14 portion to be transferred; correct?

15 MR. CHABOT: Object to the form.

16 A Yes. And I will say with confidence, when
17 people are awarded pilot grants or some sub-grants out
18 of a larger current project award that came to
19 Dartmouth, it would be very unusual for us to transfer
20 that funding out of state or even out of the
21 institution. I run an institute that issues pilot
22 awards, and it's actually the funding is specifically
23 restricted to a subset of states and that's the idea of
24 the mechanism. And we are not allowed, you know, the

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1 funding is not allowed to go to states that are not part
2 of that funding mechanisms. So there are often
3 constraints on the transfers of funds for sub-awards,
4 even if the individual is the PI on that pilot.

5 BY MR. SULMAN:

6 Q When you say, "Not allowed to," not allowed to
7 what?

8 A Well, in the case of the CRREL award, it was
9 not consistent with the spirit in which the
10 appropriation was made.

11 Q So you are saying not allowed to by, you are
12 not referring to any law or rule, you are talking about
13 by the spirit, right, what the people who want -- asked
14 for the award, originally envisioned it as; is that --

15 MR. CHABOT: Objection. Sorry, Joe.

16 A Yes, it's the terms under which that
17 appropriation was requested and granted.

18 BY MR. SULMAN:

19 Q All right. You keep on saying, "Terms," so
20 I'm not sure. I'm not trying to be difficult?

21 A Yeah.

22 Q In terms of a written document or you also
23 said, "Spirit?"

24 A Yeah.

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1 Q So these are kind of different things, in my
2 view, so I'm just trying to understand your answer?

3 MR. CHABOT: Form.

4 A So I would have to actually refer you to the
5 Office of Sponsored Projects if we are going to talk
6 about exactly the details about sort of the legal
7 structure of the contract, which was administered by
8 CRREL and sent to Dartmouth as a sub-award. But, in
9 general as a principal, the status as a principal
10 investigator on a pilot award is not something where
11 there is sort of a well-established expectation that a
12 grant would transfer to another institution.

13 BY MR. SULMAN:

14 Q Forgive my ignorance, but when -- what is a
15 pilot award in comparison to a typical research grant?

16 A Yeah. So, again, as I was describing sort of
17 a true -- the principal investigator who starts an
18 investigator-initiated award has an idea and applies it
19 directly to the funding agency to pitch that idea which
20 is then reviewed by peers and then a funding decision is
21 made. So we, as potentially all universities, have a
22 clear understanding that it's reasonable for a faculty
23 member to take that over with them when they transfer,
24 because that award was individually reviewed using the

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1 A I do not.

2 Q Was it before or after the decision -- the
3 announcement was relayed to him regarding the
4 investigation committee?

5 A I'm not sure as to the time, relative
6 timelines. I mean, I would say that the research
7 misconduct, the status of it, in terms of a
8 recommendation regarding the inquiry panel was not --
9 does not have a dispositive role in whether or not that
10 grant should have transferred.

11 Q In your view, they are totally unrelated?

12 MR. CHABOT: Object to the form.

13 A So, in my view, the presence, the ongoing
14 status of a research misconduct process is related to
15 our reporting obligations, but the specific stage that
16 we are at, short of completion, there's -- that's not --
17 that's not the -- that's not really central to the
18 decision.

19 BY MR. SULMAN:

20 Q When you say, "That's not really central to
21 the decision," what do you mean by that?

22 A Well, it's just, I mean, I was describing, you
23 know, a couple of questions back, the really fundamental
24 decision around whether to transfer the CRREL funding

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1 was a question of our, you know, obligations under
2 the -- under the terms of which the appropriation was
3 provided and the mechanisms by which the funds were then
4 allocated to internal researchers; not the, sort of,
5 the research misconduct process.

6 The timing of the decision and our making sure
7 that if we did have reporting obligations, we could
8 execute them, the timing of the decision, you know,
9 would have, you know, did depend to some extent when we
10 had concluded the research misconduct process, right.
11 So that there are two separate issues here. One is the
12 reporting issue, the other is the issue around whether
13 or not it was appropriate to transfer the funds.

14 Q So then was -- we looked at an exhibit where
15 the decision to open the research misconduct
16 investigation was relayed to Professor Farid on May 2nd,
17 2023; do you recall that?

18 A Yes, I do.

19 MR. CHABOT: Object to the form.

20 BY MR. SULMAN:

21 Q Okay. If that's when the decision to open the
22 investigation was relayed to Professor Farid, was it --
23 is it your recollection that the timing of the denial of
24 the CRREL transfer would have been relayed to him around

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1 that same time?

2 A Again, I really don't recall the temporal
3 relationships there.

4 BY MR. SULMAN:

5 Q Okay.

6 A Sorry, but I just don't know the timeline.

7 Q No, that's okay.

8 A Yeah.

9 Q But, that the investigation being open then,
10 that timing would have coincided with the CRREL funding
11 being denied because they are related?

12 MR. CHABOT: Object to the form.

13 A Oh, no. Actually, they are not. In the sense
14 that the, as I was trying to describe, the decision as
15 to whether or not the CRREL funding should be
16 transferred, could be resolved independently of whether
17 or not a research misconduct investigation was ongoing.
18 Because, really, it relied, the whether or not, not the
19 time, but the whether or not funds should be -- were
20 eligible to be transferred, depended on the nature of
21 the award, not on the -- not on the research misconduct
22 process.

23 BY MR. SULMAN:

24 Q Okay. So can you clarify what you were --

DEPOSITION ERRATA SHEET

Witness: Dean Madden

Date: March 10, 2025

I, Dean Madden, have read the transcript of my testimony on March 10, 2025, in the matter of *Amro Farid v. Trustees of Dartmouth College*, and the same is true and correct, to the best of my knowledge and understanding, with the exception of the changes noted below:

Pg/Line	Reads	Should read
7:15	partially	not
10:22	proforma	pro forma
11:01	proforma	pro forma
11:03	2022	2002
11:04	2022	2002
11:05	2022	2002
11:18	2022	2002
32:18	Gill	Gil
43:11	test -- text	text
44:09-:13	And what did Mr. Hegde allege that led you to believe that his allegations—strike that. What did Mr. Hegde allege that led you believe that Professor Farid possibly—misconduct possibly fell under this definition.	Q: And what did Mr. Hegde allege that led you to believe that his allegations—strike that. What did Mr. Hegde allege that led you believe that Professor Farid possibly—misconduct possibly fell under this definition.
51:23	allegations	instructions
62:12	touch or any	any
64:17	differential	deferential
67:07	Director	Professor
84:07	walker	Walker
105:23	fall in	follow
114:21	date of loss	date
131:21	governments	governance
142:18	has an idea and applies it	has an idea and applies

I verify that the foregoing statement is true under penalty of perjury.

Dated: April 1, 2025

Dean R. Madden